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09/801,417	03/07/2001	William J. Infosino	2000-0251A	2870

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Samuel H. Dworetsky
AT&T CORP.
P.O. Box 4110
Middletown, NJ 07748-4110

EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 03/10/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,417

Applicant(s)

INFOSINO, WILLIAM J.

Examiner

Khawar Iqbal

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 36-43 is/are rejected.
- 7) ☒ Claim(s) 18-35 is/are objected to.
- 8) ☒ Claim(s) 44-46 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-43, relate to a method for determining whether a person is at a particular location, classified in class 455, subclass 456.
 - II. Claims 44-45, relate to battery on the base station is low, classified in class 455, subclass 343.5.
2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because observed location of person. The subcombination has separate utility such as low battery.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation on 2-13-04 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-43. Affirmation of this election must be made by applicant in replying to this Office action. Claims 44-45 withdrawn

from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being unpatentable by Yacenda et al (5822418).

3. Regarding claim 1 Yacenda et al teaches a method for determining whether a person is at a particular location, comprising the steps of (figs. 1 and 22):

periodically transmitting a unique signal (col.4, lines 4-10, col. 9, lines 1-21);

receiving said signal in a base station (col.4, lines 12-14);

processing said unique signal within the base station (col. 4, lines 12-14);

correlating said unique signal to a record in a base station database (col.4, lines 5-25, col. 7, lines 34-45);

further correlating said record to said person (col. 4, lines 5-25, col. 7, lines 34-45)

recording a receipt of said unique signal in said record (col. 14, lines 1-20); and

recording a failure to receive said unique signal in said record (col.14, lines 35-39, col. 17, lines 30-40).

Regarding claim 2 Yacenda et al teaches a method for determining whether a person is at a particular location, comprising the steps of (figs. 1 and 22):

periodically transmitting a unique signal (col. 4, lines 4-10, col. 9, lines 1-21);
receiving said signal in a base station (col. 4, lines 12-14);
processing said unique signal within the base station (col. 4, lines 12-14);
correlating said unique signal to a record in a base station database (col. 4, lines 5-25, col. 7, lines 34-45);
further correlating said record to said person (col. 4, lines 5-25, col. 7, lines 34-45);
recording a receipt of said unique signal in said record (col. 14, lines 1-20);
recording a failure to receive said unique signal in said record (col. 14, lines 35-39, col. 17, lines 30-40);
initiating a wire line telephone call to the local telephone network controller (col.17, lines 30-45);
uploading said base station database into a network database (col.17, lines 48-60); and
disconnecting said telephone call to the local telephone network controller (col.14, lines 52-54, col. 16, lines 5-15).

Regarding claim 3 Yacenda et al teaches wherein said signal is emitted using a transmitter in the form of a card that fits into a wallet (col. 5, lines 16-25).

Regarding claim 4 Yacenda et al teaches wherein said signal is emitted using a transmitter in the form of a fob that can be attached to a keychain (col. 26, lines 35-40).

Regarding claim 5 Yacenda et al teaches wherein said signal is received using a base station combined with a telephone into a single unit (col. 8, lines 35-42).

Regarding claim 6 Yacenda et al teaches wherein said signal is received using a base station comprising a self-contained unit separate from a telephone.

Regarding claim 7 Yacenda et al teaches a method for processing an incoming telephone call comprising the steps of (figs. 1 and 22):

periodically transmitting a unique signal (col. 4, lines 4-10, col. 9, lines 1-21);
receiving said signal in a base station (col. 4, lines 12-14);
processing said unique signal within the base station (col. 4, lines 12-14);
correlating said unique signal to a record in a base station database (col. 4, lines 5-25, col. 7, lines 34-45);
further correlating said record to a person (col. 4, lines 5-25, col. 7, lines 34-45);
recording a receipt of said signal in said record (col. 14, lines 1-20);
recording a failure to receive said signal in said record (col. 14, lines 35-39, col. 17, lines 30-40);
initiating a wire line telephone call to the local telephone network controller (col. 17, lines 30-45); uploading said base station database into a network database(col. 17, lines 48-60);
disconnecting said telephone call to the local telephone network controller (col. 14, lines 52-54, col. 16, lines 5-15);
receiving an incoming telephone call (col. 21, lines 7-15);

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checking the network database to determine whether said telephone call is to a telephone number associated with a record in the network database (col.21, lines 10-19);

checking the network database to determine whether a person being called is home (col.21, lines 26-50); and

permitting the telephone call to be completed only if the person being called is home (col.21, lines 26-50).

Regarding claims 8-10 Yacenda et al teaches utilizing a plurality of telephone numbers that may be accessed via one telephone line (fig. 1, elements 10 and 20, col. 25, lines 30-39).

Regarding claims 11 and 12 Yacenda et al teaches further comprising the step of using voice recognition technology to identify said person being called (col. 24, lines 60-65).

Regarding claim 13 Yacenda et al teaches further comprising the step of giving an appearance to a caller that a telephone is ringing without being answered (col. 22, lines 15-35).

Regarding claim 14 Yacenda et al teaches further comprising the step of transferring a caller to a voice mailbox upon a determination that the person being called is not home (col. 14, lines 40-48).

Regarding claim 15 Yacenda et al teaches further comprising the step of transferring a caller to a predetermined alternate telephone number upon a

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determination that the person being called is not home (col. 14, lines 35-60, col. 17, lines 35-47).

Regarding claims 16,17 Yacenda et al teaches further comprising the step of giving a caller an opportunity to select another call recipient upon a determination that the person being called is not home (col. 14, lines 35-60, col. 17, lines 35-47).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 36-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yacenda et al (5822418) and further in view of Borland et al (6246756).

Regarding claims 36-43 Yacenda et al teaches the system includes a private branch exchange PBX (10), having a processing unit and several telephones (12,14,16) for enabling telephone communication between several users. A locator, which is connected to the PBX, provides location information. The locator comprises multiple portable badges engaged with the corresponding users and transmits badge information including an identification signal for identifying the user associated with the respective badge. Multiple transceivers (50,52,54) are provided, each of which is operatively connected to the PBX and receives the badge information transmitted from the badges. Each transceiver further electrically forwards a portion of the badge information to the

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processing unit, to determine location information of the users. A database stores the location information including an archival location data including last location and the time at the last location for each user. The archival location is accessible from any of the telephones. The locator is selectively accessed by the PBX, for retrieving the location information, from any of the telephones. The retrieved location information is transmitted to the selected telephone. One of several telephone functions for use in conjunction with the location information for communicating with a called user is selectively activated. Yacenda et al do not specifically teach maintaining a list of unrestricted inbound telephone numbers and always permitting a telephone call from the telephone numbers in said unrestricted inbound telephone number list to be completed.

In an analogous art, Borland et al teaches maintaining a list of unrestricted inbound telephone numbers and always permitting a telephone call from the telephone numbers in said unrestricted inbound telephone number list to be completed (col. 13, lines 16-65, col. 17, lines 15-65). Telephone usage information indicating permissible telephone usage, ID of registered user and permissible usage time constraint, are stored for each registered user and receiving an incoming call, wherein a telephone number of the incoming call is stored by the incoming call identifier of the telephone system, receiving a first series of dialing signals entered by the user wherein the first series of dialing signals includes call information that includes an identification of the user and comparing the call information to the telephone usage information and denying use of the telephone system to the user if the comparing is indicative of a denial of

usage condition. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Yacenda et al by specifically adding feature incoming call restricted purpose of the use for stop the confine call in order to enhance system performance of the system purpose of clean the household environment as taught by Borland et al.

Allowable Subject Matter

As claims 18-35 the teaching of prior art either alone or in combine failed to teach all the limitation as recited claimed.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bennett, III et al (6370233) teaches determine user presence base upon the user ID.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khawar Iqbal whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MARSHA D BANK-HAROLD can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marsha D Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Khawar Iqbal
Examiner
Art Unit 2686

Chen